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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,996	06/08/2001	Marten Rignell	032927-007	8348
7590	11/07/2003		EXAMINER	
Ronald L. Grudziecki BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			ELAHEE, MD S	
		ART UNIT	PAPER NUMBER	
		2645	5	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/875,996	RIGNELL ET AL.
	Examiner Md S Elahee	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02 & 04. 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 6, 8-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Arinell (U.S. Patent No. 5,694,451).

Regarding claims 1 and 8, Arinell teaches generating inherently a help (i.e., support) request at the mobile unit (fig. 1; col.3, lines 33-56). Because, the terminal owner is experiencing problems.

Arinell further teaches sending a help (i.e., support) message to an operation and maintenance system (O&M) (i.e., remote support location) on the basis of the help request, the help message relating to one or more problems (fig. 1; col.3, lines 33-56).

Arinell further teaches receiving the help (i.e., support) message at the operation and maintenance system (O&M) (i.e., remote support location) (fig. 1; col.3, lines 33-56).

Arinell further teaches generating help (i.e., support) information enabling solving of the one or more problems at least partially (fig. 1; col.3, lines 33-56).

Arinell further teaches providing the help (i.e., support) information at the mobile unit (fig. 1; col.3, lines 33-56).

Regarding claims 2 and 9, Arinell teaches a subscriber (i.e., user) action (fig. 1; col.3, lines 33-56).

Arinell further teaches any internal event like a timer event, an error event, etc., or a status check performed at a regular time interval (abstract; col.3, lines 33-56).

Arinell further teaches that a message is received from the operation and maintenance system (O&M) (i.e., remote support location) (fig. 1; col.3, lines 33-56).

Regarding claims 3 and 10, Arinell teaches that the help (i.e., support) information is provided to the mobile unit by sending a message containing help (i.e., update and/or support) information enabling the mobile unit to perform an automatic update of the settings thereby correcting the one or more problems (abstract; fig. 1; col.3, lines 33-56).

Regarding claims 5 and 12, Arinell teaches that the support information comprises information regarding/representing one or more of the one or more unit settings/parameters, unit identification, status of the mobile unit, an internal state of the mobile unit, at least one error code, at least one version number of software, hardware, firmware, etc. in the mobile communications unit, which hardware/physical/functional units/modules that are or have been connected with the mobile unit, or other relevant information (abstract; col.2, lines 50-67).

Regarding claims 6 and 13, Arinell teaches that the mobile unit is a mobile phone (fig. 1; col.3, lines 33-56).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arinell (U.S. Patent No. 5,694,451) and in view of Peltonen (U.S. Patent No. 6,393,274).

Regarding claims 4 and 11, Arinell fails to teach “said support information is comprised in an SMS message”. Peltonen teaches that the support information is comprised in an SMS message (col.7, lines 64-67, col.8, lines 1-9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arinell to allow the support information being comprised in an SMS message as taught by Peltonen. The motivation for the modification is to download the possible APS functions in the mobile unit.

5. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arinell (U.S. Patent No. 5,694,451) and in view of Hicks (U.S. Pub. No. 2002/0099846).

Regarding claims 7 and 14, Arinell fails to teach “said sending of said support message to said remote support location is based on contact information relating to a phone number or an IP address, and that said contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of said message received from said remote support location”. Hicks teaches that the sending of the support message to the remote support location is based on contact information relating to a phone number or an IP address, and that the contact information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of said message received from said remote support location (abstract; page 3, paragraph 0035, page 5, paragraph 0059, page 6, paragraph 0062). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arinell to allow the sending of the support message to the remote support location is based on contact information relating to a phone number or an IP address, and that the contact

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information is one or more of the following stored in the mobile unit, stored on a SIM card, entered by a user, or a part of the message received from the remote support location as taught by Hicks. The motivation for the modification is have doing so in order to provide the technical support to the mobile user.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

*M. E.*

MD SHAFIUL ALAM ELAHEE

November 3, 2003

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